REMARKS

1. Status of Claims

After the amendments to the claims, claims 1-4, 6-11, 15-30, 32-37, 41-66, 70-73, 75-80, 84-91, 93-98, 102-113, and 115 are pending in the application. Claims 1-4, 6-11, 15, 17-30, 32-37, 41, 43-66, 70-73, 75-80, 84, 86-91, 93-98, 102-113, and 115 are pending and under consideration. Claims 16, 42, 85, and 114 are pending but withdrawn. Claims 5, 12-14, 31, 38-40, 67-69, 74, 81-83, 92, and 99-101 are cancelled.

2. Telephonic Interview of Claim Rejections under 35 U.S.C. §103

The Applicants thank the PTO for conducting the telephonic interview between the Applicants' representative, K. KaRan Reed, and the Primary Examiner Mr. Jeffrey Mullis on September 10, 2004, in which the pending rejections from the Final Office Action of May 10, 2004, and the Advisory Action dated August 2, 2004, were discussed.

3. Claim Amendments

Claims 1, 28, 72, 89, and 90 have been amended to recite "wherein the backbone of the oxygen scavenging polymer consists essentially of a polyethylenic backbone" as suggested by the Examiner during the September 10, 2004, Telephonic Interview. Claims 43, 86, 87, 111, 112, and 114 have been amended to correct inadvertent spelling errors. Claims 12-14, 38-40, 67-69, 81-83, 99-101 have been canceled. No new matter has been introduced by these claim amendments.

4.ClaimRrejections under 35 U.S.C. §103

Claims 1-4, 6-11, 15, 17-30, 32-37, 41, 43-66, 70-73, 75-80, 84, 86-91, 93-98, 102-113, and 115 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Bansleben et al., U.S. Pat. No. 6,255,248 ("Bansleben") in view of Cahill et al., U.S. Pat. No. 6,083,585 ("Cahill").

The Applicants have previously argued that Bansleben does not disclose an oxygen scavenging polymer "wherein the backbone of the oxygen scavenging polymer is a polyethylenic backbone" as Bansleben's oxygen scavenging polymer is *expected* to contain propylenic units as a consequence of some monomers (e.g. cyclopentene) contributing 3 carbon atoms to the polymer backbone (i.e. a propylenic unit). The incorporation of 3 carbon atoms into a polymer backbone, via 1,3-cyclopentene insertion, using monomers and methods described in Bansleben has been documented by Naga *et. al.*, *Macromol. Chem. Phys.* **2002**, *203*, 159-165 ("Naga"); Bansleben column 3, lines 25-27, Bansleben column 10, lines 28-43, Bansleben column 10, line 55 to column 11 line 4, Naga page 160 under *Copolymerization*, and Naga page 161, Table 1, examples 8-13. However, during the telephonic interview, the Examiner indicated that, in his view, polymers "wherein the backbone . . . is a polyethylenic backbone" could include polymers containing propylenic units within the backbone resulting from 1,3-insertion of cyclopentene. The Applicants respectfully disagree with this interpretation. However, to advance the prosecution of this application, the Applicants have amended claims 1, 28, 72, 89, and 90 to recite an oxygen scavenging polymer "wherein the backbone of the oxygen scavenging polymer consists essentially of a polyethylenic backbone."

In light claim amendments and the Applicant's previous submissions, the Applicants assert that the combination of Bansleben and Cahill does not teach or suggest all the limitations of currently pending claims.

Applicants respectfully request that the rejection of claims 1-4, 6-11, 15, 17-30, 32-37, 41, 43-66, 70-73, 75-80, 84, 86-91, 93-98, 102-113, and 115, be withdrawn.

4. Final Remarks

The Applicants also resubmit Naga *et. al.*, *Macromol. Chem. Phys.* **2002**, *203*, 159-165 as requested by the Examiner in the Advisory Action dated August 2, 2004.

In conclusion, Applicants respectfully submit that all pending claims under consideration, claims 1-4, 6-11, 15, 17-30, 32-37, 41, 43-66, 70-73, 75-80, 84, 86-91, 93-98, 102-113, and 115, are in condition for allowance. The Examiner is invited to contact the undersigned patent attorney at (832) 813-4339 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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